

City Council Agenda

Council President
Jerry Duncan

Councilmembers

Tom Boyajian
Brian Calhoun, Ph.D.
Mike Dages

City Manager
Andrew T. Souza

City Clerk
Rebecca E. Klisch, CMC

Henry T. Perea – Acting President
Cynthia Sterling
Larry Westerlund

City Attorney
James C. Sanchez

The meeting room is accessible to the physically disabled, and the services of a translator can be made available. Requests for additional accommodations for the disabled, signers, assistive listening devices, or translators should be made one week prior to the meeting. Please call City Clerk's Office at 621-7650

The City Council welcomes you to this meeting.

June 20, 2006

If you would like to speak fill out a speaker request form available from the City Clerk's Office and in the Council Chambers. The agenda is available on (www.ci.fresno.ca.us). The Council meeting can also be heard live at the same web site address, and viewed live on Cable Channel 96 from 8:30 a.m. and re-played beginning at 8:00 p.m.

8:30 A.M. ROLL CALL

Invocation by Nandee Chan from the Sikh Institute

Pledge of Allegiance to the Flag

Ceremonial Presentations:

Commendation from (PR&CS) Senior Hot Meals Program-Senior Advisory Board to Mayor Autry and All Councilmembers

Council action on unscheduled items if any shall be limited to referring the item to staff for a report and possible scheduling on a future Council agenda. For each matter considered by the Council there will first be a staff presentation followed by a presentation from the project applicant. Testimony from those in attendance will then be taken. All testimony given will be limited to three minutes per person.

The three lights on the podium next to the microphone will indicate the amount of time remaining for the speaker. The green light will be turned on when the speaker begins. The yellow light will come on with one minute remaining and one tone will sound. The speaker should be completing the testimony by the time the red light comes on and two tones sound, indicating that time has expired.

Following is a general schedule of items for Council consideration and action. The City Council may consider and act on an agenda item in any order it deems appropriate. Actual timed items may be heard later but not before the time set on agenda. Persons interested in an item listed on the agenda are advised to be present throughout the meeting to ensure their presence when the item is called.

Approve minutes of June 8 and 12, 13 and 14, 2006

Action Taken:

Councilmember Reports and Comments

Action Taken

Approve Agenda

Action Taken:

Adopt Consent Calendar

Action Taken:

1. **CONSENT CALENDAR**

(All Consent Calendar items are considered to be routine and will be treated as one agenda item. The Consent Calendar will be enacted by one motion. Public comment on the Consent Calendar is limited to three (3) minutes per speaker. There will be no separate discussion of these items unless requested by a Councilmember, in which event the item will be removed from the Consent Calendar and will be considered immediately following.

- A. * Authorize the Chief of Police to enter into an agreement with the County of Fresno and the City of Clovis to share in use of Lenco Bearcat Armored Rescue Vehicle for law enforcement operations – Police Dept.
Action Taken:
- B. * **RESOLUTION** - Authorizing acceptance of \$125,000 in grant funding from the State of California, Alcoholic Beverage Control for the Fresno Police Department's 2006-2007 grant assistance to local law enforcement agencies project – Police Dept.
Action Taken:
- C. Rejection of bid for Cedar and Shaw intersection modification *(Property located in District 4)* – Public Works Dept.
Action Taken:
- D. Adoption of resolutions pertaining to City of Fresno Landscaping and Lighting Maintenance District No. 1 – Public Works Dept.
1. **RESOLUTION** - Initiate proceedings for the annual levy of assessment for the City of Fresno Landscaping and Lighting Maintenance District No. 1
Action Taken:
2. * **RESOLUTION** - To levy and collect the annual assessment for Landscaping and Lighting Maintenance District No. 1
Action Taken:
- E. * Approve an agreement with the Vernal Group in the amount of \$130,500 for the preparation of plans, specifications and cost estimates for improvements to the Municipal Service Center annex – Public Works Dept.
Action Taken:
- F. * Approve an agreement with CHEC Engineering Consultants in the amount of \$75,035 for the preparation of a trench cut recovery cost fee study within the City of Fresno *(All Districts)* – Public Works Dept.
Action Taken:
- G. * Approve the acquisition of a street easement from property owned by Union Pacific Railroad at the northeast corner of Clovis and Olive Avenues and authorize the Public Works Director to accept deeds and execute the documents to complete the transaction – Public Works Dept.
Action Taken:

1. **GENERAL CONSENT CALENDAR CONTINUED**

- H. **RESOLUTION** - Approving the Final Map of Tract No. 5412 and accepting dedicated public uses therein; authorize the Public Works Director and Planning and Development Director to execute the necessary documents (*Property located in District 5*) – Planning and Development Dept.

Action Taken:

- I. Approve amendment to sales tax imposition ordinance pursuant to agreement with the County of Fresno Memorandum of Understanding (MOU) – Finance Dept.

Action Taken:

1. * **BILL NO. B-76 – (Intro. 6/13/2006) (For adoption)** – Amending Subsection (a) of Section 4-504 and Subsection (a) of Section 4-505 of the Fresno Municipal Code relating to local sales and use taxes

Action Taken:

- J. * **BILL NO. B-79 – (Intro. 6/13/2006) (For adoption)** - Amending Subsection (a) of Section 7-523 of the Fresno Municipal Code relating to card room employees or potential employees – Police Dept.

Action Taken:

2. **CONTESTED CONSENT CALENDAR**

3. **CITY COUNCIL**

4. **CLOSED SESSION**

A. **CONFERENCE WITH LEGAL COUNSEL – DECIDING WHETHER TO INITIATE LITIGATION** - Government Code Section 54956.9, subdivision(c)

1. **Case Name:** City of Fresno v. Robert Schoettler, et al.
Action Taken:

B. **CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION** - Government Code Section 54956.9, subdivision (b)

Significant Exposure to Litigation:

1. **Case Name:** City of Fresno v. M. J. Menefee Construction Inc., Great American Insurance Company
Action Taken:

C. **CONFERENCE WITH LABOR NEGOTIATOR** – Government Code Section 54957.6

City Negotiator: Kenneth Phillips, Terry A. Bond

Meet and Confer regarding Salary Realignments in Accordance with an MOU provision

1. Unit 01, Non-Supervisory Blue Collar, International Union of Operating Engineers, Stationary Engineers Local 39
Action Taken:

SCHEDULED COUNCIL HEARINGS AND MATTERS

9:00 A.M. A. **SCHEDULED COMMUNICATION –**

1. Appearance by Carrie Fagans-Davis (Fagan's Irish Pub) to discuss downtown parking

- B. **UNSCHEDULED COMMUNICATION** – Members of the public may address the Council regarding items that are not listed on the agenda and within the subject matter jurisdiction of the Council. Each person is limited to a three (3) minute presentation. Anyone wishing to be placed on an agenda for a specified topic should contact the City Clerk Department at least ten (10) days prior to the desired date.

SCHEDULED COUNCIL HEARINGS AND MATTERS CONTINUED

9:15 A.M.

GENERAL ADMINISTRATION

- A. * **RESOLUTION** - Approving the unmanned telecommunication transceiver facility (cell tower) policy and procedures, Issue No. 33 – Planning and Development Dept.
Action Taken:
- B. **RESOLUTION** - Oppose Assembly Bill 2987, the Digital Infrastructure and Cable Competition Act of 2006 in its current form – Information Services Dept.
Action Taken:

9:30 A.M.

CONTINUED HEARING to consider Rezone Application No. R-05-81, and the appeal of Environmental Assessment No. R-05-81/C-05-216, Finding of Mitigated Negative Declaration pursuant to the California Environmental Quality Act (CEQA) Guidelines Public Resources Code Section 21151(c), filed by DeWayne Zinkin, pertaining to approximately forty (40) acres of property located between N. Fresno Street, N. Friant Road, E. Audubon Drive and E. Cole Avenue (Fresno 40 Project) (***Property located in District 6***) – Planning and Development Dept.

Action Taken:

1. Consider Environmental Assessment No. R-05-81/C-05-216, determination of Initial Study to file a Mitigated Negative Declaration, and proposed staff recommendation to make finding that no new environmental document is necessary under Public Resources Code Section 21166
Action Taken:
2. **BILL** –Amending the Official Zone Map to rezone the subject property from the R-P/UGM/cz (*Residential and Professional Office/Urban Growth Management/conditions of zoning*), C-P/UGM/cz (*Administrative and Professional Office/Urban Growth Management/conditions of zoning*), and C-2/UGM/cz (*Community Shopping Center/Urban Growth Management/conditions of zoning*) zone districts to the R-P/UGM/cz (*Residential and Professional Office/Urban Growth Management/conditions of zoning*), C-P/UGM/cz (*Administrative and Professional Office/Urban Growth Management/conditions of zoning*), and C-2/UGM/cz (*Community Shopping Center/Urban Growth Management/conditions of zoning*) zone districts to change a condition of zoning to allow for a second point of access from the subject property to Friant Road
Action Taken:

10:00 A.M.#1

HEARING to consider Community Facilities District No.2, Annexation No. 120, Tract No. 5251 (***Property located in District 3***) - Public Works Dept.

Action Taken:

- a. **RESOLUTION** - Annexing territory to Community Facilities District No. 21 and authorizing the levy of a special tax
Action Taken:
- b. **RESOLUTION** - Calling special mailed-ballot election
Action Taken:
- c. **RESOLUTION** - Declaring election results
Action Taken:
- d. * **BILL** - Levying a special tax for the property tax year 2006-2007 and future tax years within and relating to Community Facilities District No. 2, Annexation No. 120
Action Taken:
- e. **RESOLUTION** - Approving the Final Map of Tract 5251 and accepting dedicated public uses therein; authorize the Public Works Director, Public Utilities Director and the Planning and Development Director to execute the necessary documents – Planning and Development Dept.
Action Taken:

SCHEDULED COUNCIL HEARINGS AND MATTERS CONTINUED

- 10:00 A.M.#2 HEARING** to consider Community Facilities District No. 2, Annexation No. 121, Tract No. 5300
(Property located in District 3) - Public Works Dept.
Action Taken:
- a. **RESOLUTION** - Annexing territory to Community Facilities District No. 2 and authorizing the levy of a special tax
Action Taken:
 - b. **RESOLUTION** - Calling special mailed-ballot election
Action Taken:
 - c. **RESOLUTION** - Declaring election results
Action Taken:
 - d. * **BILL** - Levying a special tax for the property tax year 2006-2007 and future tax years within and relating to Community Facilities District No. 2, Annexation No. 121
Action Taken:
- 10:00 A.M.#3 HEARING** to consider Community Facilities District No. 2, Annexation No. 123, Tract No. 5283
(Property located in District 5) - Public Works Dept.
Action Taken:
- a. **RESOLUTION** - Annexing territory to Community Facilities District No. 2 and authorizing the levy of a special tax
Action Taken:
 - b. **RESOLUTION** - Calling special mailed-ballot election
Action Taken:
 - c. **RESOLUTION** - Declaring election results
Action Taken:
 - d. * **BILL** - Levying a special tax for the property tax year 2006-2007 and future tax years within and relating to Community Facilities District No. 2, Annexation No. 123
Action Taken:
- 10:15 A.M. HEARING** to consider Rezone Application No. R-05-71, and environmental findings, filed by Hansen Edenbridge Fresno Venture, pertaining to approximately 19.09 acres of property located on the northwest corner of N. Polk and W. Dakota Avenues *(Property located in District 1)* – Planning and Development Dept.
Action Taken:
1. Consider and adopt Environmental Assessment No. R-05-71/T-5538/C-05-201, Finding of Conformity to MEIR No. 10130 for the 2025 Fresno General Plan
Action Taken:
 2. **BILL** – Amending the Official Zone Map to rezone the subject property from the RR *(Rural Residential, Fresno County)* zone district to the R-2/UGM *(Low Density Multiple Family Residential/Urban Growth Management)* zone district.
Action Taken:
- 10:20 A.M. HEARING** to consider Rezone Application No. R-05-70, and environmental findings, filed by Quad Knopf Engineering, on behalf of Ennis Land Development, LLC, pertaining to approximately 20 acres of property located on the north side of W. McKinley Avenue between N. Blythe and N. Brawley Avenues (4260 W. McKinley Avenue) in the unincorporated portion of the City of Fresno. The project also includes the detachment of the subject property from the North Central Fire Protection District and the Kings River Conservation District for which the Fresno County Local Agency Formation Commission (LAFCO) is the responsible agency *(Property located in District 3)* – Planning and Development Dept.
Action Taken:
1. Consider and adopt Environmental Assessment No. R-05-70/T-5598, Finding of Conformity to MEIR No. 10130 for the 2025 Fresno General Plan
Action Taken:
 2. **BILL** – Amending the Official Zone Map to rezone the subject property from the RR *(Rural Residential, Fresno County)* zone district to the R-1/UGM *(Single Family Residential/Urban Growth Management)* zone district
Action Taken:

SCHEDULED COUNCIL HEARINGS AND MATTERS CONTINUED

10:45 A.M.#1 CONTINUED HEARING to consider adoption of a resolution amending the Storm Drainage and Flood Control Map and amending the drainage fees and costs for each local drainage area for all developments within the joint area of the City of Fresno, California and the Fresno Metropolitan Flood Control District - Public Works Dept. *(Continue to July 25, 2006 at 10:45 a.m.)*
Action Taken:

10:45 A.M.#2 JOINT MEETING WITH THE REDEVELOPMENT AGENCY

Approve Agency minutes of June 13, 2006

Action Taken:

A. Approve Purchase and Sale Agreement for property at 115 E. Lorena in the Southwest Fresno GNRA Hope VI Redevelopment Project Area and authorize the Executive Director to execute the agreements and take all actions necessary to accept conveyance and carry out the agreements *(Agency action) (Property located in District 3)*

Action Taken:

B. Consider approval of and authorize the Executive Director to enter into a Purchase and Sales Agreement for the vacant property known as Assessor Parcel Number 468-271-06; owned by Holy Trinity Armenian Apostolic Church, within the South Van Ness Industrial Redevelopment Project Area *(Agency action) (Property located in District 3)*

Action Taken:

ADJOURN AGENCY

2:00 P.M. Continued budget consideration

THE CITY COUNCIL MEETING WILL BE CONTINUED TO JUNE 21, 2006, AT 9:00 A.M. TO CONTINUE CONSIDERATION OF THE REMAINING DEPARTMENTAL BUDGETS

SCHEDULED COUNCIL HEARINGS AND MATTERS

June	27 -	10:00 A.M.#1	HEARING re: Community Facilities District No. 2, Annexation No. 122, Tract No. 5169 <i>(Continued to July 18, 2006, at 10:00 a.m.)</i>
June	27 -	10:00 A.M.#2	HEARING to consider formation of Community Facilities District No. 12, (Copper River Ranch) – Property located in District 6)
June	27 -	TBA	Joint Meeting with the Fresno County Transportation Authority re: Measure C Extension Plan
June	27 -	10:15 A.M.	HEARING re: Rezone Application No. R-04-100, filed by the Taylor Group on behalf of Fresno Christian Schools
June	27 -	10:20 A.M.	HEARING re: Rezone Application No. R-05-51, filed by Rabe Engineering on behalf of Tom Spino
June	27 -	10:25 A.M.	HEARING on a Rezone Application
June	27 -	10:45 A.M.	HEARING re: Rezone Application No. R-04-104, filed by Clifford Tutelian on behalf of Park Place Holdings
June	27 -	11:00 A.M.	Presentation by Frank Gallegos relating to the Empowerment Zone
July	4 -		NO MEETING – COUNCIL VACATION
July	11 -		NO MEETING – COUNCIL VACATION
July	18 -	8:30 A.M.	Presentation of P.R.I.D.E. Team Certificates – Summer Quarter
July	18 -	10:00 A.M.#1	CONTINUED HEARING re: CFD No. 2, Annexation No. 122, Tract No. 5169
July	18 -	10:00 A.M.#2	HEARING re: Community Facilities District No. 2, Annexation No. 124, Tract No. 5377
July	18 -	10:00 A.M.#3	HEARING re: Community Facilities District No. 2, Annexation No. 125, Tract No. 5340
July	18 -	10:00 A.M.#4	HEARING re: Community Facilities District No. 2, Annexation No. 126, Tract No. 5477
July	18 -	10:00 A.M.#5	HEARING re: Community Facilities District No. 2, Annexation No. 127, Tract No. 5376
July	18 -	10:00 A.M.#6	HEARING re: Community Facilities District No. 11, Annexation 8, Tract No. 5342
July	18 -	10:00 A.M.#7	HEARING re: Community Facilities District No. 11, Annexation 9, Tract No. 5555

SCHEDULED COUNCIL HEARINGS AND MATTERS CONTINUED

July	18 -	10:40 A.M.	HEARING re: Rezone Application No. R-05-111 Tract No. 5622, south side of W. Shields between N. Hayes and N. Polk
July	18 -	10:45 A.M.	HEARING re: Rezone Application No. R-05-89, filed by Centex Homes
July	18 -	3:00 P.M.	HEARING re: approval of a Disposition and Development Agreement with the Better Opportunities Builder, Inc.
July	20 -	8:30 A.M.	JOINT MEETING with the County Board of Supervisors regarding Police/Sheriff merging of Services at Cornerstone Conference Center
July	25 -	10:00 A.M.	CONTINUED HEARING to consider Rezone Application No. R-05-61, filed by Centex Homes on behalf of Damrong and Somluck Pattanumotana and Ahmed Khaled
July	25 -	10:30 A.M.	HEARING re: intention to levy the annual assessment for the City of Fresno Landscaping and Lighting Maintenance District No. 1
July	25 -	10:30 A.M.	HEARING
July	25 -	10:35 A.M.	HEARING re: Text Amendment Application No. TA-06-01 amending the text of the Fresno Municipal Code Zoning ordinance regarding the reconstruction of a nonconforming residential building in an industrial zone district
July	25 -	10:45 A.M.	CONTINUED HEARING to consider adoption of a resolution amending the Storm Drainage and Flood Control Map and amending the drainage fees and costs for each local drainage area for all developments within the joint area of the City of Fresno, California and the Fresno Metropolitan Flood Control
July	25 -	4:00 P.M.	2006 Cycle I Trimester Plan Amendment hearings
August	1 -		NO MEETING – COUNCIL VACATION
August	8 -		NO MEETING – COUNCIL VACATION
August	15 -	10:00 A.M.#1	HEARING re: Community Facilities District No. 2, Annexation No. 128, Tract No. 5287
August	15 -	10:00 A.M.#2	HEARING re: Community Facilities District No. 2, Annexation No. 129, Tract No. 5294
August	15 -	10:05 A.M.	HEARING re: vacation of Inyo Avenue, the Balch-Inyo Alley, and the Inyo-Mono Alley, all between Chestnut and Garden Avenues

FY 2006-2007 BUDGET HEARINGS – (SUBJECT TO CHANGE)**BUDGET HEARING SCHEDULE FY 2006 – The remaining discussions will be held in the Council Chambers, City Hall****Dates:****Time:****The remaining departments may be heard in the following general order:****June 19- 9:00 a.m.**

Department of Public Utilities, Parks, Recreation and Community Services,
 Personnel Services Dept., Information Services Dept., Transportation,
 General Services Dept., Finance Dept., Fire Department, Mayor,
 City Manager, City Council, Capital Projects

June 20 - 2:00 p.m.

Continued budget consideration

June 21- 9:00 a.m.

General City Purpose and Redevelopment Agency

June 21- 6:00 p.m.

CDBG/ESG/HOME

June 22- 9:00 a.m.

Council Budget Adoption

June 30- 9:00 a.m.

Final Day to Adopt Budget

